

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8962 of 1999

with
SPECIAL CIVIL APPLICATIONS NO.8963, 8964, 8965 and 8966
of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT and sd/-

MR.JUSTICE D.C.SRIVASTAVA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

MICRO FORGE (INDIA) LTD

Versus

UNION OF INDIA

Appearance:

MR PARESH M DAVE for Petitioners
MR AKSHAY H MEHTA for Respondent No. 1
(in all the petitions)

CORAM : MR.JUSTICE J.N.BHATT and
MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 18/11/1999

ORAL COMMON JUDGEMENT

1. Rule. Service of Rule waived by L.A. Mr.Akshay Mehta, Senior Standing Counsel on behalf of the respondent. Upon consensus since identical questions

have been involved in this group of petitions they are being taken up today itself for final hearing and are being disposed of by common judgment.

2. The petitions are directed against the order of the respondent No.2 passed in Stay applications inter-alia contending that they are non-speaking orders.

3. After having given our anxious consideration to the submissions and the impugned orders in the stay applications we have no any hesitation in holding that such orders by no stretch of imagination could be branded as speaking orders. In similar matters such orders in stay applications radiating and imprint of non-speaking aspect, this Court has quashed and set aside many writ petitions. Time and again it has been observed that while entertaining and determining the application for stay speaking order has to be passed by the Authority concerned considering relevant facts. We have been shown various copies of such orders in which similar orders have been quashed and set aside. Copy of our judgment in which one of us (J.N.Bhatt,J.) was a party in Special Civil Application No.7388 of 1999 with Special Civil Application No.7409 of 1999 is produced on record and in our opinion the said decision is, squarely, attracted to the facts of the present case. In the light of the factual scenerio of the present group of the petitions without entering into the larger question or without considering merits of the main controversy we are of the clear opinion that the impugned orders of the respondent No.2 Authority all the petitions are required to be quashed and set aside.

4. We, therefore, allow these petitions by quashing and setting aside the impugned orders in the group of petitions on hand and direct the respondent No.2 to consider and adjudicate upon the stay applications of the petitioners on merits after considering all relevant aspects and that too by speaking orders within a spell of eight weeks from the date of receipt of orders of this Court and obviously in the mean time no further action including recovery shall be persued in persuance to the impugned orders which we have quashed. Rule is made absolute accordingly in each petition. Parties to bear their own costs.

sd/-

Date : November 18, 1999 (J. N. Bhatt, J.)

sd/-

(D. C. Srivastava, J.)

sas

